IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of:	Confirmation No.: 7663
David C. Wilkins et al.	
	Examiner: Douglas Q. Tran
US Application No.: 09/724,775	
	Group Art Unit: 2625
Filed: November 28, 2007	

For: TECHNIQUES FOR SYNCHRONIZING ANY OF A PLURALITY OF ASSOCIATED MULTIMEDIA ASSETS IN A DISTRIBUTED SYSTEM

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AMENDED APPEAL BRIEF

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims as set forth in the Office Action mailed June 21, 2006, which rejections were upheld in the Advisory Action mailed December 19, 2006.

A timely Notice of Appeal was received in the Patent Office on December 21, 2006, and a Petition for Extension of Time under 37 CFR 1.136(a) to extend the due date for filing the Appeal Brief is being submitted concurrently herewith.

Real Party-in-Interest

Eastman Kodak Company is the real party-in-interest in this proceeding.

Related Appeals and Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status of the Claims

Claims 1 through 18 are pending in the application. All of the claims have been finally rejected, and are being appealed herein. Appendix 1 provides a clean, double-spaced copy of the claims on appeal. The clean copy of the claims includes an amendment to claim 15 made to correct an obvious error. In particular, as previously presented, claim 15 depended from claim 12, but should have depended from claim 14. Claim 15 recites "the resultant image," a feature that was introduced in claim 14 as "a resultant image." There is no reference to a resultant image in claim 12.

Status of Amendments

No amendments were filed in this application subsequent to the final rejection. However, as mentioned above in the "Status of the Claims" section of this Brief, Claim 15 is amended herein to correct an obvious dependency error.

Summary of Claimed Subject Matter

The present invention relates generally to a method of and an apparatus for synchronizing associated multimedia assets in a distributed system.

According to one embodiment of the invention, independent Claim 1 recites a method for automatically synchronizing each of a set of distributed multimedia assets in a distributed network (page 29, line 11 – page 30, line 8; Figure 4). Step (a) of the

method features modifying a particular one of the set of distributed multimedia assets (page 29, lines 11-16; Figure 4, reference numeral 452) and step (b) features automatically synchronizing all others of the set of distributed multimedia assets based upon (a) (page 29, line 21 - page 30, line 4; Figure 4, reference numeral 458).

According to another embodiment of the invention, dependent Claim 5 recites the method of Claim 1 further including steps (f) and (g). Step (f) features generating a resultant multimedia asset corresponding to (a), wherein the resultant multimedia asset is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding edit list, and wherein the edit list represents all modifications made to the digital negative. Step (g) features replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset (page 30, lines 6-8).

In another embodiment of the invention, independent claim 11 recites an apparatus for automatically synchronizing each of a set of distributed multimedia assets in a distributed network. The apparatus features a first means for modifying a particular one of the set of distributed multimedia assets (page 17, lines 4-13, page 34, line 22 - page 35, line 23; reference numerals 212, 213, 402-1, 403-1, 808, 810, at least) and a second means for automatically synchronizing others of the set of distributed multimedia assets based upon the modifying of the first means (page 28, line 15 - page 29, line 10; reference numerals 406, 812, at least).

In yet another embodiment of the invention, dependent claim 15[1] recites the apparatus of claim 11, further featuring a sixth means coupled to the first means for generating a resultant image corresponding to the modified multimedia asset wherein the resultant image is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding full edit list, and wherein the full edit list represents all modifications made to the digital negative. The apparatus also features a seventh means coupled to the first means for replacing each of the others of the set of distributed multimedia assets with the resultant image. (page 30, lines 6–8, page 34, line 22 – page 35, line 23; reference numerals 406, 802, 812)

Ground of Rejection to be Reviewed on Appeal

1. Whether claims 1–18 are anticipated by U.S. Patent No. 6,522,418 (Yokomizo et al.).

Argument

The present invention relates to a distributed system, and more specifically relates to synchronizing a number of associated multimedia assets in the distributed system.

In one preferred aspect of the present invention, as discussed beginning on page 28, line 6, for example, a user has a set of associated multimedia assets, e.g., digital photos, stored on a local device. The user may also upload the photos to a linked remote device, such as a host computer, a web server, or the like, thus creating

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[1] As discussed above in the "Status of the Claims" section of this Brief, Appellant has amended claim 15 herein to correct an obvious error. In particular, as previously presented, claim 15 depended from claim 12, but should have depended from claim 14. Claim 15 recites "the resultant image," a feature that was introduced in claim 14 as "a resultant image." There is no reference to a resultant image in claim 12.

a number of associated assets. According to the invention, when a change, e.g., an edit, is made to one of the assets, all of the associated assets are synchronized, or automatically updated, according to the user edit.

In one embodiment of the invention, an update edit list is formulated containing the changes made and distributed to the associated assets for synchronization. (Page 28, line 20 – page 29, line 4.) In an alternative embodiment, synchronization may be accomplished by transferring the modified photo, i.e., including the changes on the edit list, to replace each of the other associated photos (assets). (Page 29, lines 4-7.)

As a result of the present invention, a number of associated assets are automatically synchronized, such that a change to any of the assets is reflected in others of the assets.

Yokomizo et al. is cited as anticipating all pending claims.

Yokomizo et al. relates to a method of and system for editing images. More particularly, Yokomizo et al. discloses a film–to–digital–picture processing system allowing a customer to make editing changes at a home based–computer when placing an order for pictures. In a preferred embodiment of this system, as described at column 5, line 47 - column 6, line 28, a user 7 brings photographs to a branch shop 1 or a retail shop 2. The shop 1, 2 scans the photographs to obtain a high–resolution image that is stored on a disk 3 (at shop 1). A proxy image having a relatively lower resolution also is formed out of the high–resolution image data and is stored on the disk 3. The low-resolution image also is uploaded to a web server at a headquarters (HQ) shop 5.

When the user 7 uses a personal computer, or the like, to electronically request the stored images, the HQ shop 5 sends the low-resolution image information to the user 7 through the network. The user 7 makes edits to the downloaded image and sends "only the editorial information, e.g., editorial commands or instructions to be applied to the image, to the web server 9...." (Column 6, lines 4-6.) This editorial information is received by the HQ shop 5 and sent to the shop 1, 2. The shop 1, 2, uses the editorial information to edit the high-resolution image, with the resulting edited high-resolution image being printed. Thus, according to Yokomizo et al., "the image read and digitized from the user's photograph exists both in the dealer branch shop and the server in the HQ shop." (Column 7, lines 19-22.)

CLAIMS 1-4 and 6-10

Claim 1 stands rejected under 35 U.S.C. § 102 as anticipated by Yokomizo et al. A claim is anticipated by the prior art when each and every element of the claim is disclosed in a single reference. Yokomizo et al. fails to disclose features of Claim 1.

Claim 1 recites a method of automatically synchronizing each of a set of distributed multimedia assets in a distributed network. Step (a) of the method features modifying a particular one of the set of distributed multimedia assets and step (b) features automatically synchronizing all others of the set of distributed multimedia assets based upon (a).

Nowhere does Yokomizo et al. disclose automatically synchronizing all others of a set of distributed multimedia assets based upon modifying a particular one of the set of distributed multimedia assets.

In the embodiment of Yokomizo et al. described above, a set of distributed multimedia assets consists of the low-resolution (proxy) image at the shop 1, 2, the

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high-resolution image at the shop 1, 2, the low-resolution image at the HQ shop 5, and the low-resolution image downloaded by the user 7. When edits are made to the low-resolution image downloaded by the user 7, a list of the edits is sent to the shop 1, 2, via the HQ shop 5, and the high-resolution image at the shop 1, 2 is edited in accordance with the list and printed. Thus, when one of the associated assets is modified, only one of the other assets in the set is synchronized. The low-resolution image at shop 1, 2 and the low-resolution image at HQ shop 5 are not synchronized, so *all* others of the set of distributed multimedia assets are not automatically synchronized, as required by independent Claim 1.

In the final rejection mailed June 21, 2006, the Examiner points to column 20, lines 53-59 of Yokomizo et al. for teaching all the features of Claim 1. Specifically, the Examiner asserts that:

> As read in column 20, lines 51-53, Yokomizo states, 'At the local image editing station, a required editorial processing is effected on the down-loaded low-resolution image.' Thus, a modifying process is done to the low-resolution image. Continuing, Yokomizo states in column 20, lines 53-59, that 'Then, only the editorial information indicative of the contents of the editing effected is uploaded to the remote image editing station. In the remote image editing station, editorial processing exactly conforming with that performed in the local image editing station is effected on the high-resolution image...'". With this, all the other of the set of multimedia assets (being interpreted as the high resolution images) is processed so that they are "exactly conforming" with the modified low-resolution image, thereby being automatically synchronized based upon the modifying step.
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> Appellant disagrees.

In the embodiment referred to by the Examiner, additional associated images also are present, but are not synchronized. More specifically, that embodiment

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discusses a proxy editorial system using a network. Implementation of the

embodiment is described at column 20, lines 46-50, as follows:

> A high-resolution image to be used for the final printing and
> a low-resolution image for display are stored in a remote
> image editing station, and the low-resolution image alone is
> downloaded to a local image editing station from the remote
> 50 image editing station via a network.

> At the local image editing station, a required editorial
> processing is effected on the downloaded low-resolution
> image. Then, only the editorial information indicative of the
> contents of the editing effected is uploaded to the remote
> 55 image editing station. In the remote image editing station,
> editorial processing exactly conforming with that performed
> in the local image editing station is effected on the high-
> resolution image which has been stored in the remote image
> editing station. It is thus possible to obtain a proxy image
> 60 editing system which enables, without requiring transmis-
> sion of the high-resolution image data through the network,
> production of a print output of high-resolution image which
> has undergone the desired editorial processing.

Thus, according to the embodiment, associated images (or assets) include a

low-resolution image at the local image editing station, a high-resolution image at the

remote image editing station, and a low-resolution image at the remote image editing

station. The high-resolution image at the remote image editing station is edited based

on editorial information corresponding to modifications made to the low-resolution

image at the local image editing station, but there is no teaching that the associated

low-resolution image at the remote image editing station is edited. Accordingly, *all*

others of the set of distributed multimedia assets are not automatically synchronized,

as required by independent Claim 1.

For the foregoing reasons, Appellant submits that independent Claim 1 recites

features that are not taught or disclosed by Yokomizo et al., and the rejection of that

claim under 35 USC § 102 is unsustainable. Accordingly, Appellant respectfully requests withdrawal of the rejection of Claim 1.

Claims 2-4 and 6-10 depend ultimately from Claim 1 and are patentable over Yokomizo et al. at least because of this dependency. Appellant also respectfully requests withdrawal of the rejection of these claims.

CLAIM 5

Claim 5 stands rejected under 35 U.S.C. § 102 as anticipated by Yokomizo et al. A claim is anticipated by the prior art when each and every element of the claim is disclosed in a single reference. Yokomizo et al. fails to disclose features of Claim 5.

Dependent claim 5 recites the method of Claim 1, discussed above, and further including steps (f) and (g). Step (f) features generating a resultant multimedia asset corresponding to (a), wherein the resultant multimedia asset is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding edit list, and wherein the edit list represents all modifications made to the digital negative. Step (g) features replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset.

Nowhere does Yokomizo et al. teach or disclose generating a resultant multimedia asset and replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset. Specifically, in each of the embodiments described in Yokomizo et al., an edit list representing modifications made by a user is created when a user edits a low–resolution image, the edit list is transferred to the location at which a corresponding high–resolution image is stored, and the changes on the edit list are applied to the high–resolution image. The high–resolution image is not replaced by a resultant multimedia asset including a digital negative of the particular one of the set of multimedia assets and a corresponding edit list. Moreover, as discussed in more detail above with regard to Claim 1, other associated images (such as the low-resolution image stored with the high-resolution image and/or a low-resolution image stored at an HQ shop 5) are unchanged, and there is no disclosure that they are replaced with a resultant image.

For the foregoing reasons, Appellant submits that Claim 5 recites features that are not taught or disclosed by Yokomizo et al., and the rejection of that claim under 35 USC § 102 is unsustainable. Accordingly, Appellant respectfully requests withdrawal of the rejection of Claim 5.

Because Claim 5 depends ultimately from Claim 1, the rejection of Claim 5 also should be withdrawn for the same reasons asserted above for withdrawal of the rejection of Claim 1. Those arguments are hereby incorporated by reference as arguments for withdrawing the rejection of Claim 5.

CLAIMS 11-14 and 16-18

Independent Claim 11 stands rejected under 35 U.S.C. § 102 as anticipated by Yokomizo et al. A claim is anticipated by the prior art when each and every element of the claim is disclosed in a single reference. Yokomizo et al. fails to disclose features of Claim 11.

Independent Claim 11 recites an apparatus for automatically synchronizing each of a set of distributed multimedia assets in a distributed network. The apparatus features a first means for modifying a particular one of the set of distributed multimedia assets and a second means for automatically synchronizing others of the set of distributed multimedia assets based upon the modifying of the first means.

The features of Claim 11 closely resemble the steps of Claim 1, and the Examiner's rejection of independent Claim 11 is substantially identical to his rejection of Claim 1.

Nowhere does Yokomizo et al. teach or disclose a means for synchronizing others of a set of distributed multimedia assets based upon modifying a particular one of the set of distributed multimedia assets.

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In the embodiment of Yokomizo et al. described above, a set of distributed multimedia assets consists of the low-resolution (proxy) image at the shop 1, 2, the high-resolution image at the shop 1, 2, the low-resolution image at the HQ shop 5, and the low-resolution image downloaded by the user 7. When edits are made to the low-resolution image downloaded by the user 7, a list of the edits is sent to the shop 1, 2, via the HQ shop 5, and the high-resolution image at the shop 1, 2 is edited in accordance with the list and printed. Thus, when one of the associated assets is modified, only one of the other assets in the set is synchronized. Because no other assets, including the low-resolution image at shop 1, 2 and the low-resolution image at HQ shop 5, are synchronized, Yokomizo et al. fails to teach a second means for automatically synchronizing others of the set of multimedia assets, as featured in independent Claim 11.

In the final rejection mailed June 21, 2006, the Examiner discusses the embodiment of Yokomizo et al. described at column 20, lines 51–59 and concludes "Yokomizo can be interpreted as having a first means that modifies a multimedia asset (being the modification of the low resolution image at the local image editing station), and a second means that synchronizes (or making them 'exactly conforming' to the modified low resolution image) others of the set of multimedia assets (being interpreted as the high resolution images), thereby automatically synchronizing based upon the modifying of the first means." Appellant disagrees.

Yokomizo et al. teaches changing *one* high-resolution image based on changes made to an associated low-resolution image. All other associated images in Yokomizo et al., including the low-resolution image saved with the high-resolution image, are unchanged. Thus, nowhere does Yokomizo et al. teach or disclose a second

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means for automatically synchronizing *others* of a set of multimedia assets, as featured in independent Claim 11.

For the foregoing reasons, Appellant submits that independent Claim 11 recites features that are not taught or disclosed by Yokomizo et al., and the rejection of that claim under 35 USC § 102 is unsustainable. Accordingly, Appellant respectfully requests withdrawal of the rejection of Claim 11.

Claims 12–14 and 16–18 depend ultimately from Claim 11 and are patentable over Yokomizo et al. at least because of this dependency. Appellant also respectfully requests withdrawal of the rejection of these claims.

CLAIM 15

Claim 15 stands rejected under 35 U.S.C. § 102 as anticipated by Yokomizo et al. A claim is anticipated by the prior art when each and every element of the claim is disclosed in a single reference. Yokomizo et al. fails to disclose features of Claim 15.

Claim 15 recites the apparatus of Claim 11, discussed above, and further features a sixth means coupled to the first means for generating a resultant image corresponding to the modified multimedia asset wherein the resultant image is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding full edit list and wherein the full edit list represents all modifications made to the digital negative. The apparatus also features a seventh means coupled to the first means for replacing each of the others of the set of distributed multimedia assets with the resultant image.[2]

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[2] As discussed above in the "Status of the Claims" section of this Brief, Appellant has amended claim 15 herein to correct an obvious error. In particular, as previously presented, claim 15 depended from claim 12, but should have

Nowhere does Yokomizo et al. teach or disclose the sixth means coupled to the first means for generating a resultant multimedia asset and the seventh means for replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset. Specifically, in each of the embodiments described in Yokomizo et al., a personal computer or the like creates an edit list representing modifications made by a user when the user edits a low-resolution image at the personal computer. The edit list is transferred to the location at which a corresponding high-resolution image is stored and the changes on the edit list are applied to the high-resolution image. The high-resolution image is not replaced by a resultant multimedia asset including a digital negative of the particular one of the set of multimedia assets and a corresponding edit list. Moreover, as discussed in more detail above with regard to Claim 11, other associated images (such as the low-resolution image stored with the high-resolution image and/or a low-resolution image stored at an HQ shop 5) are unchanged, and there is no disclosure that they are replaced with a resultant image.

For the foregoing reasons, Appellant submits that Claim 15 recites features that are not taught or disclosed by Yokomizo et al., and the rejection of that claim under 35 USC § 102 is unsustainable. Accordingly, Appellant respectfully requests withdrawal of the rejection of Claim 15.

depended from claim 14. Claim 15 recites "the resultant image," a feature that was introduced in claim 14 as "a resultant image." There is no reference to a resultant image in claim 12.

Because Claim 15 depends ultimately from Claim 11, the rejection of Claim 15 also should be withdrawn for the same reasons asserted above for withdrawal of the rejection of Claim 11. Those arguments are hereby incorporated by reference as arguments for withdrawing the rejection of Claim 15.
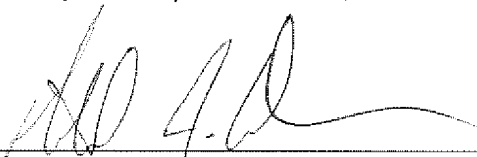
Summary

Yokomizo et al. fails to teach all of the limitations of Appellants' claims.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate allowance of the claims.

Respectfully submitted,

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Appendix I – Claims on Appeal

1.   In a distributed network, a method for automatically synchronizing each of a set of distributed multimedia assets, comprising:

(a)   modifying a particular one of the set of distributed multimedia assets; and

(b)   automatically synchronizing all others of the set of distributed multimedia assets based upon (a).

2.   A method as recited in claim 1, further comprising:

(c)   generating an update edit list corresponding to (a).

3.   A method as recited in claim 2, wherein the automatically synchronizing comprises:

(d)   forwarding the update edit list to the others of the set of distributed multimedia assets; and

(e)   modifying each of the others of the set of distributed multimedia assets based upon the forwarded update edit list.

4.   A method as recited in claim 1, further comprising:

(f)   generating a resultant multimedia asset corresponding to (a), wherein the resultant multimedia asset is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding edit list, wherein the edit list represents all modifications made to the digital negative.

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5. A method as recited in claim 4, wherein the automatically synchronizing comprises:

(g) replacing each of the others of the set of distributed multimedia assets with the resultant multimedia asset.

6. A method as recited in claim 1, wherein the multimedia asset is a digital image.

7. A method as recited in claim 6, wherein the digital image is one of a plurality of associated digital images.

8. A method as recited in claim 7, wherein the plurality of associated digital images take the form of an album.

9. A method as recited in claim 1, wherein the edit list is one of a number of edit lists included in a catalog file.

10. A method as recited in claim 9, where each of the number of edit lists included in the catalog file are associated with a particular multimedia asset.

11. In a distributed network, an apparatus for automatically synchronizing each of the set of distributed multimedia assets, comprising:

a first means for modifying a particular one of the set of distributed multimedia assets; and

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a second means for automatically synchronizing others of the set of distributed multimedia assets based upon the modifying of the first means.

12. In a distributed network, an apparatus as recited in claim 11, further comprising:

a third means for generating an update edit list based upon the modifying of the first means.

13. In a distributed network, an apparatus as recited in claim 12, wherein the automatically synchronizing comprises:

a fourth means coupled to the third means for forwarding the update edit list to the others of the set of distributed multimedia assets; and

a fifth means coupled to the fourth means for modifying each of the others of the set of distributed multimedia assets based upon the forwarded update edit list.

14. In a distributed network, an apparatus as recited in claim 11, further comprising:

a sixth means coupled to the first means for generating a resultant image corresponding to the modified multimedia asset wherein the resultant image is formed of a digital negative of the particular one of the set of multimedia assets and a corresponding full edit list, wherein the full edit list represents all modifications made to the digital negative.

15. In a distributed network, an apparatus as recited in claim 14, wherein the automatically synchronizing comprises:

a seventh means coupled to the first means for replacing each of the others of the set of distributed multimedia assets with the resultant image.

16. In a distributed network, an apparatus as recited in claim 12, wherein the multimedia asset is a digital image.

17. In a distributed network, an apparatus as recited in claim 16, wherein the digital image is one of a plurality of associated digital images.

18. In a distributed network, an apparatus as recited in claim 17, wherein the plurality of associated digital images take the form of an album.

<u>Appendix II- Evidence Appendix</u>

None

Appendix III – Related Proceedings Appendix

None